

Docket No.: 40146/25201 (1468)

REMARKS**I. INTRODUCTION**

Claims 1, 6, and 17 have been amended. Claims 4, 5 and 9-16 have been cancelled. No new matter has been added. Thus, claims 1-3, 6-8 and 17-19 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-3, 6-8 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,799,047 to Bahl et al. ("Bahl"). (See 3/31/08 Office Action, p. 2).

Claim 1 has been amended to recite "increasing a rate of transmitting updated location data to said computer upon determining said device has moved." The amendment to claim 1 includes a clarification of the "rate" and a destination to which the "rate" refers. Support for the amendments may be found in the Specification. (See, for example, Specification, pp. 4-5, ¶ [0011]; p. 8, ¶ [0025]). The Examiner cites to a section of Bahl relating to updating a table that includes signal strengths from base stations with known locations. (See 3/31/08 Office Action, p. 4, citing Bahl col. 12, l. 42 – col. 13, l. 12). However, it is respectfully submitted that, in its entirety, Bahl does not disclose or suggest the above recitation of claim 1.

The Examiner asserts that Bahl discloses an update of data according to conditions such as movement, traffic, and/or times and, thus, anticipates "increasing a rate" "of updated location data," as recited in claim 1. (See 3/31/08 Office Action, p. 4, citing, Bahl, col.

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12, l. 51 – col. 13, l. 12). As the Examiner admits, Bahl discloses updating data according to conditions. The updating of the data according to the conditions of Bahl enables the computer to generate a location versus signal strength table. Numerous iterations may be performed to generate the updated table. A most accurate, updated table is selected from performing the numerous iterations. This table is then able to provide a comparison to measured signal strengths to determine a mobile computer's location.

Initially, it is respectfully submitted that Bahl does not condition the increase in transmission rate on device movement, contrary to the Examiner's assertion. (See 3/31/08 Office Action, p. 4). The "conditions" of Bahl relate to different scenarios at different times that may impact the signal strength measurements. Thus, the "conditions" may include traffic and/or times. However, the "conditions" do not include movement. This is evidenced by the time frame with which the tables are generated and used in Bahl. As discussed above, the most accurate, updated table is used to determine the location of the mobile computer. Thus, when the location of the mobile computer is to be determined, the updated table is used. However, the "generation" of the table is performed independent of the mobile computer for which the location is to be determined. Because the table provides a comparison for measured signal strengths, the table is required to be generated prior to the comparison. The disclosure of Bahl clearly distinguishes between using the table and generating the table. Specifically, the first half of the Detailed Description of Bahl relates to using the table while the second half of Bahl relates to generating the table. Therefore, including a movement of the mobile computer when generating the table provides no useful data. That is, generating the table (which encompasses transmitting updated location data) is independent of the mobile computer moving in Bahl.

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Furthermore, it is respectfully submitted that, in its entirety, Bahl does not include a recitation relating to an amount of time. Specifically, Bahl is silent with respect to a unit of time for transmitting data to the computer. However, Bahl being silent with respect to time runs parallel to the teachings contained therein. Because the table includes conditions that are independent to the mobile computer moving, the updated location data received by the computer requires no increased rate of transmission. That is, increasing the rate at which updated location data is transmitted provides no benefit to the generation of the table in Bahl.

Thus, it is respectfully submitted that Bahl does not disclose or suggest "increasing a rate of transmitting updated location data to said computer upon determining said device has moved," as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable and the Examiner should withdraw the 35 U.S.C. § 102(e) rejection of claim 1. Because claims 2-3 depend from and, therefore, include the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 6 has been amended to recite "increasing a rate of transmitting updated location data to said computer upon determining said device has moved." Thus, it is respectfully submitted that claim 6 is allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. § 102(e) rejection of claim 6. Because claims 7-8 depend from and, therefore, include the limitations of claim 6, it is respectfully submitted that these claims are also allowable.

Claim 17 has been amended to recite "a data transmitting means increasing a rate of transmitting updated location data to said determining means upon determining said device has moved." Thus, it is respectfully submitted that claim 17 is allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. §

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102(e) rejection of claim 17. Because claims 18-19 depend from and, therefore, include the limitations of claim 17, it is respectfully submitted that these claims are also allowable.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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